

one skilled in the art to which it pertains to make or use the invention with regard to pF1V.

Applicants submit herewith a copy of a facsimile letter received from ATCC Patent Depository showing the deposit of pF1V under the Budapest Treaty for the Purposes of Patent Procedure on May 2, 2003, given accession no. PTA-5175, and found viable when tested. Applicants hereby declare that the deposit has been accepted by an International Depository Authority under the provisions of the Budapest Treaty, that all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application and that the deposit will be replaced if viable samples cannot be dispensed by the depository. Applicants further state that the construct pF1V described in the specification as filed is the same as that deposited in the depository. Applicants believe that they have satisfied the deposit requirements and hence the description requirements. Withdrawal of the rejection is respectfully requested.

All objections and rejections have been addressed. This application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

By S. A. Pratt, Reg. No. 39,441
for Elizabeth Arwine
Reg. No. 45,867

U.S. A. MPMC
504 Scott Street
Fort Detrick, MD 21702-5012
ATTN: MCMR SGRD-JA (Elizabeth Arwine - Patent Atty)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to the Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on August 22, 2003.

By S. A. Pratt
Sana A. Pratt. Reg. No. 39,441

ATCC



37

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

USAMRIID
Attn: Erik A. Henchal, Ph.D., COL, MS, Commanding
1425 Porter Street
Ft. Detrick
Frederick, MD 21702-5011

Deposited on Behalf of: Commander, U.S. Army Medical Research Institute of Infectious Diseases

Identification Reference by Depositor:

Patent Deposit Designation

Escherichia coli plasmid: pMF1-V731, BL21/DE3

PTA-5175

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received May 2, 2003 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested May 14, 2003. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: June 4, 2003

RECEIVED

AUG 27 2003

OFFICE OF PETITIONS

cc: Elizabeth A. Arwine, Esq.
Ref: RIID 96-8/003/029/SAP